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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,831	11/20/2003	Hironori Kakiuchi	890050.449	8570
500	7590	05/30/2006		
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092				
			EXAMINER ANGEBRANNDT, MARTIN J	
			ART UNIT 1756	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

02

Office Action Summary	Application No. 10/717,831	Applicant(s) KAKIUCHI ET AL.	
	Examiner Martin J. Angebranndt	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The Applicant is advised that should claim 3 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

These are duplicates see 37 CFR 1.75(b).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uno et al. '239.

Uno et al. '239 in the example describe a polycarbonate substrate, a silica-ZnS lower dielectric layer, GeCrON interface layer, a GeTeSb recording layer, a GeCrON interface layer, an AlON layer and a Au reflective layer. The sputtering process is also described. (14/ 62-15/65). The use of multilayered optical recording media is disclosed with respect to figures 7 and 8 and the text in column 17, but use a GeCrN interfacial layers. The use of Ti-O-N, Ta-O-N, Ge-O-N, Cr-O-N, Si-O-N, Al-O-N, Nb-N-O, Mo-O-N, Zr-O-N for interface layers 4 and 6 (8/21-46).

It would have been obvious to one skilled in the art to modify the media in the medium described with respect to figure 8 by using other interface layer materials, such as Ti-O-N, Ta-O-

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N, Ge-O-N, Cr-O-N, Si-O-N, Al-O-N, Nb-N-O, Mo-O-N, Zr-O-N, in place of the GeCrN layer used with a reasonable expectation of forming a useful multilayered optical recording medium realizing the benefits of the interfacial layers.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuy et al. '160, in view of Sakaue et al. '587.

Shuy et al. '160 teach in embodiment 4, a medium comprising a polycarbonate substrate, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Si-Au second recording layer and a ZnS-SiO₂ layer. The ZnS-SiO₂ layers are thermal manipulation layers [0030]. The reflective recording layer may be Ag, Al, Au, Pt, U, IN, Sn, W, Ir, Re, Rh or Ta [0027]. The transparent recording layer may be Si, Ge, GaP, GaAs, InAs, ...[0026].

Sakaue et al. '587 in the recording medium of working example 1, where Ta₂O₅ sputtered in a mixture of Ar and N₂ to form the barrier layer [0061] between the recording layer and the reflective layer. [0054-0062]. The use of other materials including GeON, SiON or AlON in place of the TaON is disclosed. [0068]. See also example 3, and the examples described in table 3 [0079-0089]. The use of TaON yields a better signal amplitude, reduced corrosion and improved thermal conductivity (heat dissipation). [0072-0073].

It would have been obvious to modify the cited examples of Shuy et al. '160 by using Ta-O-N as thermal manipulation layers in place of the ZnS-SiO₂ layers with a reasonable expectation of improving the performance characteristics based upon the disclosure of Sakaue et al. '587.

The examiner has interpreted the claims broadly, such that the plurality of information layers embraces a recording medium having a first recording layer and a second recording layer,

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including those which are adjacent and undergo alloying with each other until the claims conflict with this interpretation.(claims 4-24)

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al. '551, in view of Sakaue et al. '587 or Uno et al. '239.

Aoshima et al. '551 teach in example 1, a medium comprising a polycarbonate substrate, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Cu second recording layer and a ZnS-SiO₂ layer. [0121-0126] Example 11 is similar and includes a reflective layer adjacent to the substrate and is recorded upon using a 405 nm laser as well. [0186-0189]. Useful dielectric layer materials including oxide and nitrides are disclosed [0060]. The transparent recording layer may be Si, Ge, Sn, Mg, In, Zn, Bi, Al [0068].

It would have been obvious to modify the cited examples of Aoshima et al. '551 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima et al. '452, in view of Sakaue et al. '587 or Uno et al. '239.

Mishima et al. '452 teach in example 1, a medium comprising a polycarbonate substrate, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Cu second recording layer and a ZnS-SiO₂ layer. [0121-0124] Example 16 is similar and includes a reflective layer adjacent to the substrate and is recorded upon using a 405 nm laser as well. [0162-0165]. Useful dielectric layer materials including oxide and nitrides are disclosed [0078]. The transparent recording layer may be Si, Ge, C, Sn, Zn, Cu [0116].

It would have been obvious to modify the cited examples of Mishima et al. '452 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al. '351, in view of Sakaue et al. '587 or Uno et al. '239.

Aoshima et al. '351 teach in example 1, a medium comprising a polycarbonate substrate, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Ag second recording layer and a ZnS-SiO₂ layer. [0116-0119] Example 15 is similar and includes a reflective layer adjacent to the substrate and is recorded upon using a 405 nm laser as well. [0165-0168]. Useful dielectric layer materials including oxide and nitrides are disclosed [0072]. The transparent recording layer may be Si, Ge, Sn [0111].

It would have been obvious to modify the cited examples of Aoshima et al. '351 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima et al. '577, in view of Sakaue et al. '587 or Uno et al. '239.

Mishima et al. '577 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Zn second recording layer and a ZnS-SiO₂ layer. [0121-0126] This is recorded upon using a 405 nm laser.

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Useful dielectric layer materials including oxide and nitrides are disclosed [0079]. The transparent recording layer may be Si, Ge, C, Al [0084].

It would have been obvious to modify the cited examples of Mishima et al. '577 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoshima et al. '973, in view of Sakaue et al. '587 or Uno et al. '239.

Aoshima et al. '973 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Zn second recording layer and a ZnS-SiO₂ layer. [0121-0126]. This is recorded upon using a 405 nm laser. Useful dielectric layer materials including oxide and nitrides are disclosed [0050]. The transparent recording layer may be Si, Ge, C, Sn [0055].

It would have been obvious to modify the cited examples of Aoshima et al. '973 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima et al. '080, in view of Sakaue et al. '587 or Uno et al. '239.

Mishima et al. '080 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Cu second recording layer and a ZnS-SiO₂ layer. [0134-21-0153]. This is recorded upon using a 405 nm

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laser as well. [0162-0165]. Useful dielectric layer materials including oxide and nitrides are disclosed [0043]. The transparent recording layer may be Si, Ge, C, Sn, Zn, Cu [0014].

It would have been obvious to modify the cited examples of Mishima et al. '452 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

11. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. '194, in view of Sakaue et al. '587 or Uno et al. '239.

Inoue et al. '194 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Cu second recording layer and a ZnS-SiO₂ layer and a second recording layer composite. [0128-0151]. This is recorded upon using a 405 nm laser as well. Useful dielectric layer materials including oxide and nitrides are disclosed [0096]. Sample # 2 was the same but the Cu had Al and AU added to it. [0136]. Sample 3 had the Cu layer alloyed with Mg [0137-0144]. Claim 3 describes the additives to the second recording layer, claim 22 recites Cu as the primary component of the second recording layer and claims 1 and 20 recite plural recording layers.

It would have been obvious to modify the examples 2 or 3 of Inoue et al. '194 by using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

12. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. '932, in view of Sakaue et al. '587 or Uno et al. '239.

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Inoue et al. '932 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer, a ZnS-SiO₂ layer, a transparent Si first recording layer, a reflective Cu second recording layer and a ZnS-SiO₂ layer. [0147-0155] The use of multiple recording layers is described [0183-0186]. This is recorded upon using a 405 nm laser as well. Useful dielectric layer materials including oxide and nitrides are disclosed [0082]. The presence of other elements in the Cu layer, such as Al, Si, Zn, Mg or Au is disclosed [0124,0126,0183].

It would have been obvious to modify the example disclosed with respect to figures 7 and 8 of Inoue et al. '194 at [0183] by using Cu layers with additives such as Al, Si, Mg, Zn or Au to improve the stability and sensitivity as discussed at [0125] and using Ta-O-N or Ti-O-N as intermediate/dielectric layers between the recording layers and the ZnS-SiO₂ layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

13. Claims 1,2,4,5,7,8,10,11,13,14,16,17,19,20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. '907.

Inoue et al. '907 teach in example 1, a medium comprising a polycarbonate substrate, a reflective layer, a Ta-O-N layer, a transparent Si first recording layer, a reflective Cu second recording layer and a Ta-O-N. [0148-0169]. This is recorded upon using a 405 nm laser as well. Useful dielectric layer materials including oxide and nitrides are disclosed [0082]. The presence of other elements in the Cu layer, such as Al, Si, Zn, Mg or Au is disclosed [0031].

It would have been obvious to modify the cited example disclosed with respect to figure 5 of Inoue et al. '907 by using Cu layers with additives such as Al, Si, Mg, Zn or Au to improve the stability and sensitivity as discussed at [0031] and using Ta-O-N or Ti-O-N of differing

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nitrogen contents on either side of the recording layers with a reasonable expectation of forming a useful optical recording medium.

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-43 of copending Application No.

10/406109 (US 2003/0190551) in view of Sakaue et al. ‘587 or Uno et al. ‘239.

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It would have been obvious to modify the claimed optical recording media of 10/406109 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

16. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 10/423686 (US 2003/0202452) in view of Sakaue et al. '587 or Uno et al. '239

It would have been obvious to modify the claimed optical recording media of 10/423686 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

17. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 10/444172 (US 2003/0223351) in view of Sakaue et al. '587 or Uno et al. '239

It would have been obvious to modify the claimed optical recording media of 10/444172 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

18. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of copending Application No. 10/425571 (US 2003/0231577) in view of Sakaue et al. '587 or Uno et al. '239

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It would have been obvious to modify the claimed optical recording media of 10/425571 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

19. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/637407 (US 2004/0027973) in view of Sakaue et al. '587 or Uno et al. '239

It would have been obvious to modify the claimed optical recording media of 10/637407 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

20. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/608814 (US 2004/0038080) in view of Sakaue et al. '587 or Uno et al. '239.

It would have been obvious to modify the claimed optical recording media of 10/608814 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

21. Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/748979 (US 2004/0152016) in view of Sakaue et al. '587 or Uno et al. '239.

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It would have been obvious to modify the claimed optical recording media of 10/748979 by using Ta-O-N as the intermediate layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

22. Claims 1,2,4,5,7,8,10,11,13,14,16,17,19,20 and 22-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/684981 (US 2004/0076907) .

It would have been obvious to use the dielectric layers described in claims 1 and 2 in the claimed optical recording media of 10/684981 , but having different compositions and including additives to the Cu layer (cl 4).

This is a provisional obviousness-type double patenting rejection.

23. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/818324 (US 2004/0202097) in view of Sakaue et al. '587 or Uno et al. '239.

It would have been obvious to modify the claimed optical recording media of 10/818324 by using Ta-O-N as the intermediate layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

24. Claims 1-9 and 19-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/808628 (US 2004/0191685) in view of Sakaue et al. '587 or Uno et al. '239.

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It would have been obvious to modify the claimed optical recording media of 10/808628 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

25. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/764805 (US 2004/0157158) in view of Sakaue et al. '587 or Uno et al. '239.

It would have been obvious to modify the claimed optical recording media of 10/764805 by using Ta-O-N as the dielectric layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

26. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 10/613525 (US 2004/0052194) in view of Sakaue et al. '587 or Uno et al. '239.

It would have been obvious to modify the claimed optical recording media of 10/613525 by using Ta-O-N as the light transmission layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

27. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 10/612615 (US 2004/0004932) in view of Sakaue et al. '587 or Uno et al. '239.

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It would have been obvious to modify the claimed optical recording media of 10/612615 by using Ta-O-N as the light transmission layers with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

This is a provisional obviousness-type double patenting rejection.

28. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 10/792083 (US 2004/0174804) in view of Sakaue et al. '587 or Uno et al. '239.

It would have been obvious to modify the claimed optical recording media of 10/612615 by using Ti-O-N as one of the light transmission layers, in place of TiO with a reasonable expectation of forming a useful optical recording medium based upon the disclosure of Sakaue et al. '587 or Uno et al. '239.

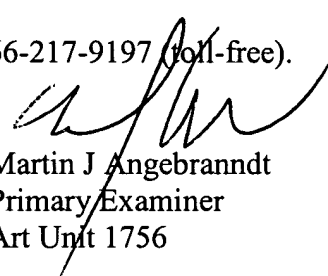
This is a provisional obviousness-type double patenting rejection.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J. Angebrannndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Martin J. Angebranndt
Primary Examiner
Art Unit 1756

05/25/2006